

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Doreen Hoffman

Debtors.

**NOTICE OF MOTION FOR
TERMINATION OF AUTOMATIC STAY**

Case No.: 18-72852-reg
(Chapter 11)

Assigned to:
Hon. Robert E. Grossman
Bankruptcy Judge

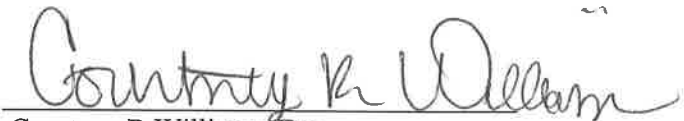
Please take notice that Rushmore Loan Management Services, LLC as servicing agent for U.S. Bank, National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust, a secured creditor of Debtor, by the undersigned attorneys, will move this Court on August 8, 2018 at 1:30 p.m. or as soon thereafter as counsel can be heard, at the United States Bankruptcy Court, 290 Federal Plaza, Central Islip, NY 11722 for an Order pursuant to 11 U.S.C. §362(d)(1) terminating the automatic stay as to movant's interest in real property commonly known as 163 Roe Avenue, East Patchogue, NY 11772-5739 and for such other relief as the Court may deem proper.

PURSUANT TO LOCAL BANKRUPTCY RULE 9006-1(a), ANY ANSWERING PAPERS ARE TO BE SERVED SO AS TO BE RECEIVED BY THE SECURED CREDITOR'S COUNSEL NO LATER THAN 7 DAYS BEFORE THE HEARING DATE.

DATED: July 18, 2018
Williamsville, New York

Yours,

By:



Courtney R Williams, Esq.
GROSS POLOWY, LLC
Attorneys for Secured Creditor
Rushmore Loan Management Services, LLC as
servicing agent for U.S. Bank, National
Association as Legal Title Trustee for Truman
2013 SC3 Title Trust
1775 Wehrle Drive, Suite 100
Williamsville, NY 14221
Telephone (716)204-1700

TO:

Doreen Hoffman
163 Roe Avenue
East Patchogue, NY 11772

Debtor

John P. Fazzio, Esq.
26 Broadway
21st Floor
New York, NY 10004

Attorney for Debtor

United States Trustee
Long Island Federal Courthouse
560 Federal Plaza - Room 560
Central Islip, NY 11722-4437

U.S. Trustee

AMCMA
4 Westchester Plaza, Suite 110
Elmsford, NY 10523

Creditor

American Medical Collection
4 Westchester Plaza
Elmsford, NY 10523

Creditor

Credit Collections Services
725 Canton Street
Norwood, MA 02062

Creditor

Credit One Bank
PO Box 60500
City of Industry, CA 91715-0500

Creditor

Excluder Security Systems
PO Box 1286
Massapequa, NY 11758

Creditor

Fazzio Lawq
164 Franklin Turnpike
Mahwah, NJ 07430

Creditor

Henry Weinstein
37 Maple Ave.
Cedarhurst, NY 11516

Creditor

Joyce Ciccone
9337 Santa Monica Way
New Port Richey, FL 34655

Creditor

Lenox Hill Hospital
co- Automated Financial
4505 Veterans Mem Hwy, Ste H
Lake Ronkonkoma, NY 11779

Creditor

LI Anesthesiologist
3 Boyle Road
Selden, NY 11784

Creditor

Linda Cerami
107 Laurel Street
Patchogue, NY 11772

Creditor

Mullen & Iannarone PC
300 East Main Street
Smithtown, NY 11787

Creditor

N.Y. State Dept of Taxation
NYS Assessment Receivables
PO Box 4127
Binghamton, NY 13902-4127

Creditor

National Grid
PO Box 11791
Newark, NJ 07101

Creditor

Optimum Cable Vision
1111 Stewart Ave.
Bethpage, NY 11714

Creditor

PSEG-LI
PO Box 888
Hicksville, NY 11802

Creditor

Quest Diagnostics
PO Box 7308
Hollister, MO 65673-7308

Creditor

Stewart Brody DDS
c/o Richard Sokoloff Esq.
900 S. 2nd Street, Suite 1
Ronkonkoma, NY 11779

Creditor

U.S. Internal Revenue Service
PO Box 804527
Cincinnati, OH 45280-4527

Creditor

USBank, NA as Legal Title Trustee
200 Business Park Drive
Armonk, NY 10504

Creditor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

AFFIRMATION

In Re:

Case No.: 18-72852-reg
(Chapter 11)

Doreen Hoffman

Debtor.

Assigned to:
Hon Robert E. Grossman
Bankruptcy Judge

I, Courtney R Williams, Esq., am an attorney duly licensed to practice law in the Courts of this State and in the United States Bankruptcy Court for the Eastern District of New York and hereby state as follows:

1. I submit the within Affirmation under penalty of perjury in support of the motion of Rushmore Loan Management Services, LLC as servicing agent for U.S. Bank, National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust ("Secured Creditor"), a Secured Creditor of the above-referenced Debtor, to terminate the automatic stay in this case with respect to the real property commonly known as 163 Roe Avenue, East Patchogue, NY 11772.

2. Secured Creditor is the holder of a note executed by Doreen Hoffman on or about the 3rd day of August, 2007 in the principal amount of \$336,000.00 and interest (the "Note"), secured by a mortgage bearing even date therewith, which is recorded in the Office of the Suffolk County Clerk on the 25th day of September, 2007 in Liber M00021610 of Mortgages at Page 029 (the "Mortgage") covering the premises commonly known as 163 Roe Avenue, East Patchogue, NY 11772 (the "Mortgaged Premises"). A copy of the Note, Mortgage, Assignment, and Loan Modification is annexed hereto as **Exhibit 'A'**.

3. On the 26th day of April, 2018 Debtor Doreen Hoffman filed a Petition under Chapter 11 of Title 11 U.S.C. §101 et seq with this Court, and an Order for relief was duly entered.

4. The Note and Mortgage provide that the Debtor will be in default if they do not make full monthly payments on each due date. As of June 25, 2018, the Debtor is due for 35 payments in the amount of \$2,760.42 each for the months of February 1, 2012 to December 1, 2014, 24 payments in the amount of \$2,993.17 each for the months of January 1, 2015 to December 1, 2016, 24 payments in the amount of \$3,239.53 each for the months of January 1, 2016 to December 1, 2017, 16 payments in the amount of \$3,366.52 each for the months of January 1, 2017 to April 1, 2018 and 2 payments in the amount of \$3,509.77 each for the months of May 1, 2018 to June 1, 2018 and has not cured said default. Furthermore, 1 payment due on July 1, 2018 is now due and 1 payment due August 1, 2018 will be due at the date this motion is heard. A Motion for Relief from Stay Worksheet is attached hereto as **Exhibit 'B'**.

5. As of the 25th day of June, 2018, there is a total indebtedness on the Note and Mortgage in the sum of \$679,127.31. Interest on the unpaid principal balance will continue to accrue, and to protect its security in the Mortgaged Premises Secured Creditor may be required to make advances for property taxes, insurance and related matters.

6. Based on the Debtor's Schedules attached hereto as **Exhibit 'C'**, said real property is valued at \$427,500.00. Based on the Secured Creditor's lien amount and the value of the Mortgaged Premises, there is no equity in the premises.

7. Section 362(d)(1) of the Bankruptcy Code provides in pertinent part that the Court shall grant relief from the stay imposed by Section 362(a) "for cause, including lack of adequate protection of an interest in property..." As set forth above, cause exists to vacate the automatic stay as Secured Creditor's interests are not adequately protected as there exists no equity in the Mortgaged Premises.

8. Section 362(d)(2) of the Bankruptcy Code provides in pertinent part that the Court shall grant relief from the automatic stay imposed by Section 362(a) if “(A) the debtor does not have equity in such property; and (B) such property is not necessary to an effective reorganization.” See, 11 U.S.C. §362(d)(2)(A)-(B). Therefore, the Secured Creditor is entitled to relief pursuant to 11 U.S.C. § 362(d)(2) as there exists no equity in the Mortgaged Premises after Secured Creditor’s lien and the Mortgaged Premises is not necessary to an effective reorganization.

9. A copy of a proposed Order granting the relief sought by Secured Creditor is annexed hereto as **Exhibit 'D'**.


10. No prior application has been made for the relief requested herein.

WHEREFORE, Secured Creditor respectfully requests that an Order be granted terminating the automatic stay immediately as to Secured Creditor's interest in the Mortgaged Premises together with such other, further and different relief as the Court may deem just in this matter.

DATED: July 18, 2018
Williamsville, New York

Yours,

By:


Courtney R Williams, Esq.
GROSS POLOWY, LLC
Attorneys for Secured Creditor
Rushmore Loan Management Services, LLC as
servicing agent for U.S. Bank, National
Association as Legal Title Trustee for Truman
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